

FILED  
03-15-07

MAR 18 2007  
U.S. DISTRICT COURT  
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JERRY ALVIS, )  
Plaintiff, )  
vs. )  
HARLEYSVILLE INSURANCE GROUP, )  
Defendant. )

07CV1461  
**JUDGE DER YEGHIAYAN**  
**MAG. JUDGE VALDEZ**

Removed from the Circuit Court of the  
Twentieth Judicial Circuit, St. Clair County,  
Illinois  
Miscellaneous Remedies

**NOTICE OF REMOVAL**

TO: United States District Court  
Northern District of Illinois  
Eastern Division

Defendant, HARLEYSVILLE GROUP, INC., incorrectly named as HARLEYSVILLE  
INSURANCE GROUP, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby removes to this  
Court the state court action described below that is currently pending in the Twentieth Judicial  
Circuit Court, St. Clair County, Belleville, Illinois under the caption and case number *Jerry Alvis*  
*v. Harleysville Insurance Group, David A. Bailie, and Craig J. Causeman*, Case No.:07 MR 14.

In support of this Notice, HARLEYSVILLE GROUP, INC. states as follows:

1. On January 12, 2007, Plaintiff, JERRY ALVIS, filed a Petition to Enforce Settlement and Adjudicate Lien against HARLEYSVILLE GROUP, INC., incorrectly named as HARLEYSVILLE INSURANCE GROUP (hereinafter referred to as HARLEYSVILLE), David A. Bailie and Craig J. Causeman. The Petition alleged that HARLEYSVILLE failed to waive its workers' compensation lien, after informing Plaintiff's attorney through its workers' compensation carrier attorneys, David A. Bailie and Craig J. Causeman, that the lien would be

waived. The Plaintiff further demanded that HARLEYSVILLE waive the lien and pay Plaintiff's attorneys' fees. A copy of the Petition is attached as Exhibit 1.

2. Plaintiff, JERRY ALVIS, is a citizen of the State of Illinois, residing in Du Quoin, Perry County, Illinois. Harleysville Group, Inc. is a Delaware corporation, with its principal place of business located in Harleysville, Pennsylvania.

3. On March 7, 2007, the 20<sup>th</sup> Judicial Circuit, St. Clair County, entered an Order dismissing Defendants David A. Bailie and Craig J. Causeman from the Petition to Waive the Lien filed by the Plaintiff. *See Attached Exhibit 2.*

4. As a result of the Court's dismissal of Defendants David A. Bailie and Craig J. Causeman from this claim, there is now a civil action between Plaintiff JERRY ALVIS and HARLEYSVILLE, citizens of different states for purposes of diversity jurisdiction.

5. As the Petition in question alleges a failure to waive a lien in the amount of approximately \$100,000.00, this suit meets the jurisdictional amount required by 28 U.S.C. § 1332.

6. This is now a civil action where the Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and is one that may be removed to this Court by HARLEYSVILLE pursuant to 28 U.S.C. § 1441 and 1446.

7. Venue in this case is proper because the United States District Court for the Northern District of Illinois, Eastern Division, is the district and division where personal jurisdiction may be effected against HARLEYSVILLE in DuPage County, Illinois.

8. Under 28 U.S.C. § 1446, the Defendant, HARLEYSVILLE, has within 30 days of the Order being filed within which to remove this case to Federal Court. As the original Order was

filed on March 7, 2007, this Notice of Removal comes within 30 days of the initial receipt of the Order dismissing the Defendants, David A. Bailie and Craig J. Causeman, from this case and making it removable. A copy of this Notice will be filed with the Clerk of the Twentieth Judicial Circuit, St. Clair County on March 16, 2007.

Respectfully submitted,  
HARLEYSVILLE GROUP, INC.,  
incorrectly sued as  
HARLEYSVILLE INSURANCE  
GROUP

Dated: March 14, 2007



Mary Jo Greene

Mary Jo Greene (ARDC #6185594)  
Kevin W. Doherty (ARDC #3128844)  
Eileen P. Hughes (ARDC #6288263)  
DOHERTY & PROGAR LLC  
200 W. Adams St., Suite 2220  
Chicago, IL 60606  
(312) 630-9630  
(312) 630-9001 - Fax

IN THE CIRCUIT COURT  
TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

JERRY ALVIS,

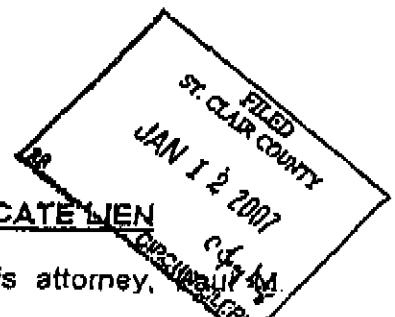
Plaintiff,

vs.

HARLEYSVILLE INSURANCE GROUP,  
DAVID A. BAILIE, and  
CRAIG J. CAUSEMAN,

Defendants.

*WVR*  
Case No. 07-CV-14



PETITION TO ENFORCE SETTLEMENT AND ADJUDICATE LIEN

Comes now the Plaintiff, Jerry Alvis, by and through his attorney, ~~Paul M. Storment, Jr.~~, and for his Petition to Enforce the Settlement and Adjudicate the Lien alleges to the Court as follows:

1. That on or about September 27, 2006, the Plaintiff filed a personal injury suit in City of DuQuoin, State of Illinois, being Cause No. 06-L-26. A copy of said cause action is attached hereto and marked Exhibit A.
2. At the time of the Plaintiff's injury, he was an employee of Graham Painting Company, in the City of Du Quoin, which was insured by workmen's compensation policy through Harleysville Insurance Group.
3. Attorneys, Craig J. Causeman and David A. Bailie represent the workmen's compensation carrier.
4. That since the time of the accident, Plaintiff's attorney has been attempting to negotiate with the attorneys for the Harleysville Insurance Group, a waiver of the worker's compensation lien pursuant to the Kotecki Rule, Kotecki v. Cyclops Welding Corp. 146 Ill.2d. 155, 585 N.E.2d 1023, 166 Ill. Dec. 1.

5. That on November 6, 2006, at approximately 11:36 a.m., the attorneys for the Defendant, Harleysville Insurance Group, David A. Bailie and Craig J. Causeman called the Plaintiff Attorney's office and stated that they had spoken to the company and they would waive the worker's compensation lien, pursuant to the Civil Procedure Joint Liability provisions in section 2-1117 via Kotecki v. Cyclops Welding Corp. 146 Ill.2d 155, 585 N.E.2d 1023, 166 Ill. Dec. 1.

6. The Attorney, David A. Bailie, advised the Plaintiff's Attorney, Paul M. Storment, Jr., that he would be preparing the waiver documents and forwarding them to Graham Painting Company and Harleysville Insurance Group.

7. Little progress was made on the document, and the Plaintiff's attorney called the Defendant's attorney, David A. Bailie, at which time, Mr. Bailie informed him that Graham Painting Company had signed the document, and he was waiting for Harleysville Insurance Group, to sign the document.

8. Based upon the promise to waive the worker's compensation lien, the case was settled with the tortfeasor for \$100,000.00.

9. The Defendant's attorney, David A. Bailie, now advises Plaintiff's attorney that the Harleysville Insurance Group reneged on the agreement to waive the worker's compensation lien, and now has failed and refused to sign the document. *(WJ)*

10. David A. Bailie and Craig J. Causeman had expressed authority to consummate the settlement and waiver of the worker's compensation lien.

11. The Plaintiff's attorney had expressed authority to consummate the settlement and the Plaintiff settled the case based upon the fact that he would receive a check from the tortfeasor free and clear of any worker's compensation liens.

12. David A. Bailie and Craig J. Causeman, on behalf of the Defendant, Harleysville Insurance Group, now refuses to honor the settlement agreement with

Plaintiff although one of their client's, Graham Painting Company, to honor the settlement and waive the lien.

13. The Plaintiff has made numerous demands to resolve this dispute and is entitled to attorney fees.

14. All or part of the waiver contract occurred in St. Clair County, Illinois.

WHEREFORE, the Plaintiff prays that the Court enter an order enforcing the settlement, and to release the lien on the settlement check; and further sign the settlement check on behalf of the Defendant, and enter an order for attorney fees.

PAUL M. STORMENT, JR., P.C.

  
PAUL M. STORMENT, JR., #02748150  
310 East Washington Street  
Belleville, IL 62220  
(618) 233-4846  
ATTORNEY FOR PLAINTIFF

State of Illinois

IN THE TWENTIETH JUDICIAL CIRCUIT, ST. CLAIR COUNTY, BELLEVILLE, ILLINOIS

PLAINTIFF

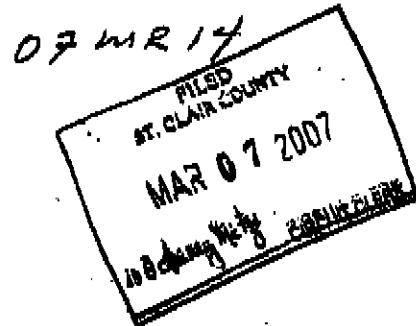
JERRY ALVIS

No.

vs.

HARLEYSVILLE  
DAVID BAILE  
CRAIG CAUSEMAN  
Defendant

ORDER



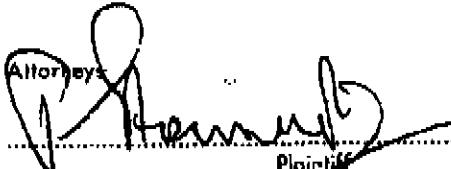
This cause coming before the Court; the Court being fully advised in the premises and having jurisdiction of the subject matter;

The Court finds: MOTION TO DISMISS PETITION AND

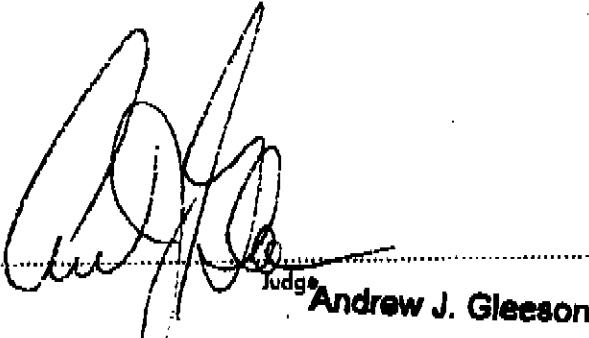
IT IS THEREFORE ORDERED: TO STRIKE REQUEST TO ADMIT BY BAILE AND CAUSEMAN ARE GRANTED.

BAILE AND CAUSEMAN ARE ORDERED TO BE PRESENT FOR HEARING AS WITNESSES ON MARCH 28, 2007 AT 9 AM BEFORE JUDGE GLEESON COURT ROOM 407.

Attorneys:

  
Plaintiff  
D.A. Becker

Enter:

  
Judge Andrew J. Gleeson